THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 20317 of 1997

21-03-2007

Between:-

G. Satyavathi

Petitioner

And

A.P.S.R.T.C. rep., by its vice-Chairman and
Managing Director, Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 20317 of 1997

Oral order:

The petitioner's husband Sri G. Mutyalu Naidu while in service as a Cleaner at Anakapally Depot of Respondents-Corporation died on 13-11-1989. Claiming to have become destitute, as Mutyalu Naidu was the sole bread winner to the family, the petitioner claims to have made several representations including one dated 03-02-1997 requesting compassionate appointment in a suitable post in the respondents-Corporation.

There being no response to the representations, the petitioner filed W.P.No. 4853 of 1997 for a direction to the respondents to provide compassionate appointment. By the order dated 01-04-1997, the writ petition was disposed

of directing the respondents to consider the case of the petitioner for appointment to any suitable post on compassionate grounds and pass appropriate orders as per Rules within a period of two months from the date of receipt of a copy of the order of this court.

Thereafter, by the impugned proceedings dated 27-06-1997 the second respondent rejected the petitioner's claim for compassionate appointment while granting her additional monetary benefits. The order of the second respondent reads as under:

> *"Sri G. Mutyala Naidu, E.455136, Cleaner while he was working at Anakapalli Depot, expired on 13-11-89. The Depot Manager, Anakapalli has taken suitable action and all the settlements dues were paid except additional monetary benefit amount, which is to be paid in lieu of employment.*
>
> *It is observed from the records available that Smt. G. Satyavathi, wife of deceased employee has not submitted any representation for employment under breadwinner scheme (except the representation, dt. 3.2.97) within a period of three (3) years from the date of death of her husband as per the time limit prescribed by the Corporation in terms of Cir.No. 1989/89, dt. 24.7.89, but submitted an application, dt. 11.8.95, for payment of additional monetary benefit amount in lieu of employment and also expressed her unwillingness to perform any job that her health is not good and also declared that her children were young and minors for which a copy of your representation dt 11.8.95 is enclosed herewith for your ready reference.*
>
> *Based on representation, dt. 11.8.95 of Smt. G.*

Satyavathi the Depot Manager, Anakapalli arranged to deposit the additional monetary benefit amount of Rs.34,566/- (as admissible) in APSRTC Employees Credit & Co-Operative Society Limited, Hyderabad by way of D.D.No. 504712,

dt. 29.1.97 as per the rules in force and called her for signing on the necessary documents for associate membership through their Office Lr. No. P3/371(3)/89-AKP, dt. 24.1.97. On receipt of the letter from Depot Manager, Anakapalli, she has attended the Depot Manager's Office, Anakapalli and submitted representation, dt. 3.2.97 stated that she is not willing to accept the monetary benefit amount and requested employment for which a copy of representation dt. 3.2.97 is enclosed herewith for ready reference.

Hence it is revealed that Smt. G. Satyavathi, w/o Late

G. Mutyala Naidu, E.455136, Cleaner of Anakapalli Depot who expired on 13.11.89 has submitted application for employment under Bread Winner Scheme only on 03.2.97 after lapse of 7 years and filed W.P.4853/97 seeking compassionate appointment only in the year 1997.

Accordingly to the orders of the Hon'ble High Court of A.P. in W.P.4853/97, the case of the petitioner has to be considered as per rules in force in accordance with the circulars governing the scheme of compassionate appointment. Since the claim of the petitioner is belated and made after lapse of 7 years of the date of death of deceased, there is no provision to consider such belated claims and at this stage she cannot be considered for any employment as per existing circulars.

In the circumstances, the case of Smt. G. Satyavathi, w/o deceased, late G. M. Naidu,

E.455136, Cleaner of Anakapalli Depot for appointment under compassionate grounds is hereby rejected and she is requested to take the eligible additional monetary benefit amount of Rs.34,566/- instead of employment."

As is apparent, the case of the respondents is that except representations dated 11-08-1995 and 03-02-1997, the petitioner has submitted no representations earlier and that as per the Regulations any representation for employment under the 'Bread Winner Scheme' would have to be submitted within a period of three years from the date of death in terms of the Corporation Circular No. 1989/89 dated 24-07-1989. The petitioner has submitted no representations within the period of three years and is, therefore ineligible to be considered.

It also requires to be noticed that the 'Bread Winner Scheme' so called, which is intended to enable the family of a deceased employee to tide over the immediate financial crisis consequent on the death in harness of such an employee, cannot be operated to create a distinct and insular source of preferred recruitment. If a special reservation is provided for dependents of deceased employees, irrespective of the economic circumstance or the immediate financial stringency consequent upon the death of an employee in harness, such reservation is liable to be declared as unconstitutional, as it would be a preference on the basis of descent from a deceased

employee, a policy which would be inconsistent with the equality injunctions of the Constitution. Distinctions between ordinary citizens and the dependents/relations of public sector employees would be distinctions which are irrational. All citizens are entitled to an equitable opportunity for public employment, consistent with age and other qualifications fixed for such public employment. Perhaps, the only justification for a claim of compassionate appointment is the immediacy of a destitute situation of the dependents of a deceased employee, which requires to be addressed by the instrumentality of the State. Such immediacy ceases to have any relevance years after the employee's death. It is for this reason that the respondent-Corporation had issued a Circular dated 24-07-1989 prescribing a three year limit for submitting applications for employment under the 'Bread Winner Scheme'. The petitioner does not establish to have made any such application within the time prescribed except a bald assertion.

For the aforesaid reasons, this court finds no infirmity in the order of the respondents declining grant of compassionate appointment to the petitioner. There are no merits.

The writ petition is accordingly dismissed. No costs.

GODA RAGHURAM, J

Dated:21-03-2007
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